

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LUTHER DIXON, #1683790**  
**Plaintiff,**

**v.**

**SHERIFF LUPE VALDEZ,**  
**Defendant.**

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**3:11-CV-1139-D**


**ORDER**

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

The court certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court adopts and incorporates by reference the order adopting the findings, conclusions, and recommendation of the magistrate judge. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on that order, the court concludes that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

**SO ORDERED.**

September 21, 2011.

  
SIDNEY A. FITZWATER  
CHIEF JUDGE